

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

JET SYSTEMS, LLC,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

No. 24-1166 C

Judge Eleni M. Roumel

DEFENDANT’S EMERGENCY MOTION TO SEAL ECF 1-2

Defendant the United States (“the Government”) requests that the Court immediately seal Exhibit 1 to Plaintiff’s Complaint (ECF 1-2) in its entirety. The first page of the document incorporated as the exhibit includes the following designation:

Distribution statement D. Distribution authorized to Department of Defense and U.S. DoD contractors only, administrative use or operational, 22 Jan 2019. Other requests shall be referred to the Assistant Commander for Acquisition (AIR 1.0), PMA-209, Naval Air Systems Command, 47123 Buse Road, Patuxent River, Maryland, 20670. WARNING – This document contains technical data whose export is restricted by the Arms Export Control Act (Title 22, U.S.C., Section 2751 et seq.) or the Export Administration Act of 1979, as amended, Title 50, U.S.C., App. 2401 et. seq. Violation of these export laws are subject to severe criminal penalties. Disseminate in accordance with provisions of OPNAVINST 5510.161.

FOR OFFICIAL USE ONLY

ECF 1-2 at 2. As stated in the designation, the “document contains technical data whose export is controlled by the Arms Export Control Act or the Export Administration Act of 1979.” Id. (parenthetical omitted); see 22 U.S.C. § 2751. Each page of the document also contains the “FOR OFFICIAL USE ONLY” designation. See ECF 1-2 at 2-10. Thus, ECF 1-2 should be sealed.

Plaintiff filed ECF 1-2 on the public record of the Court on July 31, 2024. This Motion to Seal is timely in that it is filed less than 24 hours after the Government received notice that the document was placed on the public record.

Counsel for the Government certifies that the Government attempted to confer in good faith with counsel for Plaintiff, but that counsel for Plaintiff could not be reached within a reasonable time before the filing of this Motion. Counsel for the United States Navy sent an email to counsel for Plaintiff at 10:38am ET on August 1, 2024, but no response was received. Undersigned counsel for the Government also called counsel of record for Plaintiff shortly before filing this Motion, but was unable to connect.

Good cause having been shown, the Government requests that ECF 1-2 be sealed.

Respectfully submitted,

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August 1, 2024

Counsel for the United States